

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 161
97TH GENERAL ASSEMBLY

0804H.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 50.622, 64.170, 64.205, 71.012, 71.014, 71.015, 72.401, and 321.690, RSMo, and to enact in lieu thereof eight new sections relating to political subdivisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 50.622, 64.170, 64.205, 71.012, 71.014, 71.015, 72.401, and
2 321.690, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as
3 sections 50.622, 64.170, 71.012, 71.014, 71.015, 72.401, 77.675, and 321.690, to read as
4 follows:

50.622. **1.** Any county may amend the annual budget during any fiscal year in which the
2 county receives additional funds, and such amount or source, including but not limited to, federal
3 or state grants or private donations, could not be estimated when the budget was adopted. The
4 county shall follow the same procedures as required in sections 50.525 to 50.745 for adoption
5 of the annual budget to amend its budget during a fiscal year, **except that the notice provided**
6 **for in section 50.600 shall be extended to thirty days for purposes of this section, and such**
7 **notice shall include a published summary of the proposed reductions and an explanation**
8 **of the shortfall.**

9 **2.** Any county may decrease the annual budget twice during any fiscal year in
10 **which the county experiences a verifiable decline in funds of two percent or higher, and**
11 **such amount could not be estimated or anticipated when the budget was adopted, provided**
12 **that any decrease in appropriations shall not unduly affect any one officeholder. Before**
13 **any reduction affecting an independently elected officeholder can occur, negotiations shall**
14 **take place with all officeholders who receive funds from the affected category of funds in**
15 **an attempt to cover the shortfall.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 **3. Any decrease in an appropriation authorized under subsection 2 of this section**
17 **shall not impact any dedicated fund otherwise provided by law.**

18 **4. County commissioners may reduce budgets of departments under their direct**
19 **supervision and responsibility at any time without the restrictions imposed by this section.**

20 **5. Notwithstanding the provisions of this section, no charter county shall be**
21 **restricted from amending its budget pursuant to the terms of its charter.**

22 **6. This section shall expire on July 1, 2016.**

64.170. 1. For the purpose of promoting the public safety, health and general welfare,
2 to protect life and property and to prevent the construction of fire hazardous buildings, the county
3 commission in all counties [of the first and second classification], as provided by law, is for this
4 purpose empowered, subject to the provisions of subsections 2 and 3 of this section, to adopt by
5 order or ordinance regulations to control the construction, reconstruction, alteration or repair of
6 any building or structure and any electrical wiring or electrical installation, plumbing or drain
7 laying therein, and provide for the issuance of building permits and adopt regulations licensing
8 persons, firms or corporations other than federal, state or local governments, public utilities and
9 their contractors engaged in the business of electrical wiring or installations and provide for the
10 inspection thereof and establish a schedule of permit, license and inspection fees and appoint a
11 building commission to prepare the regulations, as herein provided.

12 2. Any county which has not adopted a building code prior to August 28, 2001, pursuant
13 to sections 64.170 to 64.200, shall not have the authority to adopt a building code pursuant to
14 such sections unless the authority is approved by voters, subject to the provisions of subsection
15 3 of this section.

16 The ballot of submission for authority pursuant to this subsection shall be in substantially the
17 following form:

18
19 Shall (insert name of county) have authority to create, adopt
20 and impose a county building code?

21
22 ☐ YES

☐ NO

23
24 3. The proposal of the authority to adopt a building code shall be voted on only by voters
25 in the area affected by the proposed code, such that a code affecting a county shall not be voted
26 upon by citizens of any incorporated territory.

27 **4. No structure used solely for agricultural purposes in which the use is exclusively**
28 **in connection with the production, harvesting, storage, drying, or raising or agricultural**

29 **commodities, including the raising of livestock, shall be subject to any code adopted under**
30 **this section.**

71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the
2 governing body of any city, town or village may annex unincorporated areas which are
3 contiguous and compact to the existing corporate limits of the city, town or village pursuant to
4 this section. The term "contiguous and compact" does not include a situation whereby the
5 unincorporated area proposed to be annexed is contiguous to the annexing city, town or village
6 only by a railroad line, trail, pipeline or other strip of real property less than one-quarter mile in
7 width within the city, town or village so that the boundaries of the city, town or village after
8 annexation would leave unincorporated areas between the annexed area and the prior boundaries
9 of the city, town or village connected only by such railroad line, trail, pipeline or other such strip
10 of real property. The term "contiguous and compact" does not prohibit voluntary annexations
11 pursuant to this section merely because such voluntary annexation would create an island of
12 unincorporated area within the city, town or village, so long as the owners of the unincorporated
13 island were also given the opportunity to voluntarily annex into the city, town or village.
14 Notwithstanding the provisions of this section, the governing body of any city, town or village
15 in any county of the third classification which borders a county of the fourth classification, a
16 county of the second classification and **the** Mississippi River may annex areas along a road or
17 highway up to two miles from existing boundaries of the city, town or village or the governing
18 body in any city, town or village in any county of the third classification without a township form
19 of government with a population of at least twenty-four thousand inhabitants but not more than
20 thirty thousand inhabitants and such county contains a state correctional center may voluntarily
21 annex such correctional center pursuant to the provisions of this section if the correctional center
22 is along a road or highway within two miles from the existing boundaries of the city, town or
23 village.

24 2. (1) When a [verified] **notarized** petition, requesting annexation and signed by the
25 owners of all fee interests of record in all tracts of real property located within the area proposed
26 to be annexed, or a request for annexation signed under the authority of the governing body of
27 any common interest community and approved by a majority vote of unit owners located within
28 the area proposed to be annexed is presented to the governing body of the city, town or village,
29 the governing body shall hold a public hearing concerning the matter not less than fourteen nor
30 more than sixty days after the petition is received, and the hearing shall be held not less than
31 seven days after notice of the hearing is published in a newspaper of general circulation qualified
32 to publish legal matters and located within the boundary of the petitioned city, town or village.
33 If no such newspaper exists within the boundary of such city, town or village, then the notice
34 shall be published in the qualified newspaper nearest the petitioned city, town or village. For the

35 purposes of this subdivision, the term "common-interest community" shall mean a condominium
36 as said term is used in chapter 448, or a common-interest community, a cooperative, or a planned
37 community.

38 (a) A "common-interest community" shall be defined as real property with respect to
39 which a person, by virtue of such person's ownership of a unit, is obliged to pay for real property
40 taxes, insurance premiums, maintenance or improvement of other real property described in a
41 declaration. "Ownership of a unit" does not include a leasehold interest of less than twenty years
42 in a unit, including renewal options;

43 (b) A "cooperative" shall be defined as a common-interest community in which the real
44 property is owned by an association, each of whose members is entitled by virtue of such
45 member's ownership interest in the association to exclusive possession of a unit;

46 (c) A "planned community" shall be defined as a common-interest community that is not
47 a condominium or a cooperative. A condominium or cooperative may be part of a planned
48 community.

49 (2) At the public hearing any interested person, corporation or political subdivision may
50 present evidence regarding the proposed annexation.

51

52 If, after holding the hearing, the governing body of the city, town or village determines that the
53 annexation is reasonable and necessary to the proper development of the city, town or village,
54 and the city, town or village has the ability to furnish normal municipal services to the area to
55 be annexed within a reasonable time, it may, subject to the provisions of subdivision (3) of this
56 subsection, annex the territory by ordinance without further action.

57 (3) If a written objection to the proposed annexation is filed with the governing body of
58 the city, town or village not later than fourteen days after the public hearing by at least five
59 percent of the qualified voters of the city, town or village, or two qualified voters of the area
60 sought to be annexed if the same contains two qualified voters, the provisions of sections 71.015
61 and 71.860 to 71.920, shall be followed.

62 3. If no objection is filed, the city, town or village shall extend its limits by ordinance
63 to include such territory, specifying with accuracy the new boundary lines to which the city's,
64 town's or village's limits are extended. Upon duly enacting such annexation ordinance, the city,
65 town or village shall cause three certified copies of the same to be filed with the county assessor
66 and the clerk of the county wherein the city, town or village is located, and one certified copy to
67 be filed with the election authority, if different from the clerk of the county which has
68 jurisdiction over the area being annexed, whereupon the annexation shall be complete and final
69 and thereafter all courts of this state shall take judicial notice of the limits of that city, town or
70 village as so extended.

71 **4. That a petition requesting annexation is not or was not verified or notarized shall**
72 **not affect the validity of an annexation heretofore or hereafter undertaken in accordance**
73 **with this section.**

74 **5. Any action of any kind seeking to deannex from any city, town, or village any**
75 **area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or**
76 **otherwise challenge such annexation or oust such city, town, or village from jurisdiction**
77 **over such annexed area shall be brought within three years of the date of adoption of the**
78 **annexation ordinance.**

 71.014. 1. Notwithstanding the provisions of section 71.015, the governing body of any
2 city, town, or village which is located within a county which borders a county of the first
3 classification with a charter form of government with a population in excess of six hundred fifty
4 thousand, proceeding as otherwise authorized by law or charter, may annex unincorporated areas
5 which are contiguous and compact to the existing corporate limits upon [verified] **notarized**
6 petition requesting such annexation signed by the owners of all fee interests of record in all tracts
7 located within the area to be annexed. **That a petition requesting annexation is not or was**
8 **not verified or notarized shall not affect the validity of an annexation heretofore or**
9 **hereafter undertaken in accordance with this section.**

10 **2. Any action of any kind seeking to deannex from any city, town, or village any**
11 **area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or**
12 **otherwise challenge such annexation or oust such city, town, or village from jurisdiction**
13 **over such annexed area shall be brought within three years of the date of adoption of the**
14 **annexation ordinance.**

 71.015. 1. Should any city, town, or village, not located in any county of the first
2 classification which has adopted a constitutional charter for its own local government, seek to
3 annex an area to which objection is made, the following shall be satisfied:

4 (1) Before the governing body of any city, town, or village has adopted a resolution to
5 annex any unincorporated area of land, such city, town, or village shall first as a condition
6 precedent determine that the land to be annexed is contiguous to the existing city, town, or
7 village limits and that the length of the contiguous boundary common to the existing city, town,
8 or village limit and the proposed area to be annexed is at least fifteen percent of the length of the
9 perimeter of the area proposed for annexation.

10 (2) The governing body of any city, town, or village shall propose an ordinance setting
11 forth the following:

12 (a) The area to be annexed and affirmatively stating that the boundaries comply with the
13 condition precedent referred to in subdivision (1) above;

14 (b) That such annexation is reasonable and necessary to the proper development of the
15 city, town, or village;

16 (c) That the city has developed a plan of intent to provide services to the area proposed
17 for annexation;

18 (d) That a public hearing shall be held prior to the adoption of the ordinance;

19 (e) When the annexation is proposed to be effective, the effective date being up to
20 thirty-six months from the date of any election held in conjunction thereto.

21 (3) The city, town, or village shall fix a date for a public hearing on the ordinance and
22 make a good faith effort to notify all fee owners of record within the area proposed to be annexed
23 by certified mail, not less than thirty nor more than sixty days before the hearing, and notify all
24 residents of the area by publication of notice in a newspaper of general circulation qualified to
25 publish legal matters in the county or counties where the proposed area is located, at least once
26 a week for three consecutive weeks prior to the hearing, with at least one such notice being not
27 more than twenty days and not less than ten days before the hearing.

28 (4) At the hearing referred to in subdivision (3), the city, town, or village shall present
29 the plan of intent and evidence in support thereof to include:

30 (a) A list of major services presently provided by the city, town, or village including, but
31 not limited to, police and fire protection, water and sewer systems, street maintenance, parks and
32 recreation, **and** refuse collection[, etc.];

33 (b) A proposed time schedule whereby the city, town, or village plans to provide such
34 services to the residents of the proposed area to be annexed within three years from the date the
35 annexation is to become effective;

36 (c) The level at which the city, town, or village assesses property and the rate at which
37 it taxes that property;

38 (d) How the city, town, or village proposes to zone the area to be annexed;

39 (e) When the proposed annexation shall become effective.

40 (5) Following the hearing, and either before or after the election held in subdivision (6)
41 of this subsection, should the governing body of the city, town, or village vote favorably by
42 ordinance to annex the area, the governing body of the city, town or village shall file an action
43 in the circuit court of the county in which such unincorporated area is situated, under the
44 provisions of chapter 527, praying for a declaratory judgment authorizing such annexation. The
45 petition in such action shall state facts showing:

46 (a) The area to be annexed and its conformity with the condition precedent referred to
47 in subdivision (1) of this subsection;

48 (b) That such annexation is reasonable and necessary to the proper development of the
49 city, town, or village; and

50 (c) The ability of the city, town, or village to furnish normal municipal services of the
51 city, town, or village to the unincorporated area within a reasonable time not to exceed three
52 years after the annexation is to become effective. Such action shall be a class action against the
53 inhabitants of such unincorporated area under the provisions of section 507.070.

54 (6) Except as provided in subsection 3 of this section, if the court authorizes the city,
55 town, or village to make an annexation, the legislative body of such city, town, or village shall
56 not have the power to extend the limits of the city, town, or village by such annexation until an
57 election is held at which the proposition for annexation is approved by a majority of the total
58 votes cast in the city, town, or village and by a separate majority of the total votes cast in the
59 unincorporated territory sought to be annexed. However, should less than a majority of the total
60 votes cast in the area proposed to be annexed vote in favor of the proposal, but at least a majority
61 of the total votes cast in the city, town, or village vote in favor of the proposal, then the proposal
62 shall again be voted upon in not more than one hundred twenty days by both the registered voters
63 of the city, town, or village and the registered voters of the area proposed to be annexed. If at
64 least two-thirds of the qualified electors voting thereon are in favor of the annexation, then the
65 city, town, or village may proceed to annex the territory. If the proposal fails to receive the
66 necessary majority, no part of the area sought to be annexed may be the subject of another
67 proposal to annex for a period of two years from the date of the election, except that, during the
68 two-year period, the owners of all fee interests of record in the area or any portion of the area
69 may petition the city, town, or village for the annexation of the land owned by them pursuant to
70 the procedures in section 71.012. The elections shall if authorized be held, except as herein
71 otherwise provided, in accordance with the general state law governing special elections, and the
72 entire cost of the election or elections shall be paid by the city, town, or village proposing to
73 annex the territory.

74 (7) Failure to comply in providing services to the said area or to zone in compliance with
75 the plan of intent within three years after the effective date of the annexation, unless compliance
76 is made unreasonable by an act of God, shall give rise to a cause of action for deannexation
77 which may be filed in the circuit court by any resident of the area who was residing in the area
78 at the time the annexation became effective.

79 (8) No city, town, or village which has filed an action under this section as this section
80 read prior to May 13, 1980, which action is part of an annexation proceeding pending on May
81 13, 1980, shall be required to comply with subdivision (5) of this subsection in regard to such
82 annexation proceeding.

83 (9) If the area proposed for annexation includes a public road or highway but does not
84 include all of the land adjoining such road or highway, then such fee owners of record, of the

85 lands adjoining said highway shall be permitted to intervene in the declaratory judgment action
86 described in subdivision (5) of this subsection.

87 2. Notwithstanding any provision of subsection 1 of this section, for any annexation by
88 any city with a population of three hundred fifty thousand or more inhabitants which is located
89 in more than one county that becomes effective after August 28, 1994, if such city has not
90 provided water and sewer service to such annexed area within three years of the effective date
91 of the annexation, a cause of action shall lie for deannexation, unless the failure to provide such
92 water and sewer service to the annexed area is made unreasonable by an act of God. The cause
93 of action for deannexation may be filed in the circuit court by any resident of the annexed area
94 who is presently residing in the area at the time of the filing of the suit and was a resident of the
95 annexed area at the time the annexation became effective. If the suit for deannexation is
96 successful, the city shall be liable for all court costs and attorney fees.

97 3. Notwithstanding the provisions of subdivision (6) of subsection 1 of this section, all
98 cities, towns, and villages located in any county of the first classification with a charter form of
99 government with a population of two hundred thousand or more inhabitants which adjoins a
100 county with a population of nine hundred thousand or more inhabitants shall comply with the
101 provisions of this subsection. If the court authorizes any city, town, or village subject to this
102 subsection to make an annexation, the legislative body of such city, town or village shall not
103 have the power to extend the limits of such city, town, or village by such annexation until an
104 election is held at which the proposition for annexation is approved by a majority of the total
105 votes cast in such city, town, or village and by a separate majority of the total votes cast in the
106 unincorporated territory sought to be annexed; except that:

107 (1) In the case of a proposed annexation in any area which is contiguous to the existing
108 city, town or village and which is within an area designated as flood plain by the Federal
109 Emergency Management Agency and which is inhabited by no more than thirty registered voters
110 and for which a final declaratory judgment has been granted prior to January 1, 1993, approving
111 such annexation and where notarized affidavits expressing approval of the proposed annexation
112 are obtained from a majority of the registered voters residing in the area to be annexed, the area
113 may be annexed by an ordinance duly enacted by the governing body and no elections shall be
114 required; and

115 (2) In the case of a proposed annexation of unincorporated territory in which no qualified
116 electors reside, if at least a majority of the qualified electors voting on the proposition are in
117 favor of the annexation, the city, town or village may proceed to annex the territory and no
118 subsequent election shall be required. If the proposal fails to receive the necessary separate
119 majorities, no part of the area sought to be annexed may be the subject of any other proposal to
120 annex for a period of two years from the date of such election, except that, during the two-year

121 period, the owners of all fee interests of record in the area or any portion of the area may petition
122 the city, town, or village for the annexation of the land owned by them pursuant to the procedures
123 in section 71.012 **or 71.014**. The election shall, if authorized, be held, except as otherwise
124 provided in this section, in accordance with the general state laws governing special elections,
125 and the entire cost of the election or elections shall be paid by the city, town, or village proposing
126 to annex the territory. Failure of the city, town or village to comply in providing services to the
127 area or to zone in compliance with the plan of intent within three years after the effective date
128 of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to
129 a cause of action for deannexation which may be filed in the circuit court **not later than four**
130 **years after the effective date of the annexation** by any resident of the area who was residing
131 in such area at the time the annexation became effective or by any nonresident owner of real
132 property in such area. **Except for a cause of action for deannexation under this subdivision**
133 **(2) of this subsection, any action of any kind seeking to deannex from any city, town, or**
134 **village any area annexed under this section, or seeking in any way to reverse, invalidate,**
135 **set aside, or otherwise challenge such annexation or oust such city, town, or village from**
136 **jurisdiction over such annexed area shall be brought within three years of the date of the**
137 **adoption of the annexation ordinance.**

72.401. 1. If a commission has been established pursuant to section 72.400 in any
2 county with a charter form of government where fifty or more cities, towns and villages have
3 been established, any boundary change within the county shall proceed solely and exclusively
4 in the manner provided for by sections 72.400 to 72.423, notwithstanding any statutory
5 provisions to the contrary concerning such boundary changes.

6 2. In any county with a charter form of government where fifty or more cities, towns and
7 villages have been established, if the governing body of such county has by ordinance established
8 a boundary commission, as provided in sections 72.400 to 72.423, then boundary changes in such
9 county shall proceed only as provided in sections 72.400 to 72.423.

10 3. The commission shall be composed of eleven members as provided in this subsection.
11 No member, employee or contractor of the commission shall be an elective official, employee
12 or contractor of the county or of any political subdivision within the county or of any
13 organization representing political subdivisions or officers or employees of political
14 subdivisions. Each of the appointing authorities described in subdivisions (1) to (3) of this
15 subsection shall appoint persons who shall be residents of their respective locality so described.
16 The appointing authority making the appointments shall be:

17 (1) The chief elected officials of all municipalities wholly within the county which have
18 a population of more than twenty thousand persons, who shall name two members to the

19 commission as prescribed in this subsection each of whom is a resident of a municipality within
20 the county of more than twenty thousand persons;

21 (2) The chief elected officials of all municipalities wholly within the county which have
22 a population of twenty thousand or less but more than ten thousand persons, who shall name one
23 member to the commission as prescribed in this subsection who is a resident of a municipality
24 within the county with a population of twenty thousand or less but more than ten thousand
25 persons;

26 (3) The chief elected officials of all municipalities wholly within the county which have
27 a population of ten thousand persons or less, who shall name one member to the commission as
28 prescribed in this subsection who is a resident of a municipality within the county with a
29 population of ten thousand persons or less;

30 (4) An appointive body consisting of the director of the county department of planning,
31 the president of the municipal league of the county, one additional person designated by the
32 county executive, and one additional person named by the board of the municipal league of the
33 county, which appointive body, acting by a majority of all of its members, shall name three
34 members of the commission who are residents of the county; and

35 (5) The county executive of the county, who shall name four members of the
36 commission, three of whom shall be from the unincorporated area of the county and one of
37 whom shall be from the incorporated area of the county. The seat of a commissioner shall be
38 automatically vacated when the commissioner changes his or her residence so as to no longer
39 conform to the terms of the requirements of the commissioner's appointment. The commission
40 shall promptly notify the appointing authority of such change of residence.

41 4. Upon the passage of an ordinance by the governing body of the county establishing
42 a boundary commission, the governing body of the county shall, within ten days, send by United
43 States mail written notice of the passage of the ordinance to the chief elected official of each
44 municipality wholly or partly in the county.

45 5. Each of the appointing authorities described in subdivisions (1) to (4) of subsection
46 3 of this section shall meet within thirty days of the passage of the ordinance establishing the
47 commission to compile its list of appointees. Each list shall be delivered to the county executive
48 within forty-one days of the passage of such ordinance. The county executive shall appoint
49 members within forty-five days of the passage of the ordinance. If a list is not submitted by the
50 time specified, the county executive shall appoint the members using the criteria of subsection
51 3 of this section before the sixtieth day from the passage of the ordinance. At the first meeting
52 of the commission appointed after the effective date of the ordinance, the commissioners shall
53 choose by lot the length of their terms. Three shall serve for one year, two for two years, two for
54 three years, two for four years, and two for five years. All succeeding commissioners shall serve

55 for five years. Terms shall end on December thirty-first of the respective year. No commissioner
56 shall serve more than two consecutive full terms. Full terms shall include any term longer than
57 two years.

58 6. When a member's term expires, or if a member is for any reason unable to complete
59 his term, the respective appointing authority shall appoint such member's successor. Each
60 appointing authority shall act to ensure that each appointee is secured accurately and in a timely
61 manner, when a member's term expires or as soon as possible when a member is unable to
62 complete his term. A member whose term has expired shall continue to serve until his successor
63 is appointed and qualified.

64 7. The commission, its employees and subcontractors shall be subject to the regulation
65 of conflicts of interest as defined in sections 105.450 to 105.498 and to the requirements for open
66 meetings and records under chapter 610.

67 8. Notwithstanding any provisions of law to the contrary, any boundary adjustment
68 approved by the residential property owners and the governing bodies of the affected
69 municipalities or the county, if involved, and any voluntary annexation approved by municipal
70 ordinance provided that the municipality owns the area to be annexed, that the area is contiguous
71 with the municipality, and that the area is utilized only for parks and recreation purposes, shall
72 not be subject to commission review. Such a boundary adjustment or annexation is not
73 prohibited by the existence of an established unincorporated area.

74 **9. Any annexation of property or defined areas of properties approved by a**
75 **majority of property owners residing thereon and by ordinance of any municipality that**
76 **is a service provider for both the water and sanitary sewer within the municipality shall**
77 **be effective as provided in the annexation ordinance and shall not be subject to commission**
78 **review. The annexation is not prohibited by the existence of an established unincorporated**
79 **area.**

77.675. 1. In addition to the process for passing ordinances provided in section
2 **77.080, the council of any city of the third classification with more than fifteen thousand**
3 **but fewer than seventeen thousand inhabitants and located in any county of the first**
4 **classification with more than sixty-five thousand but fewer than seventy-five thousand**
5 **inhabitants may adopt or repeal any ordinance by passage of a bill that sets forth the**
6 **ordinance and specifies that the ordinance so proposed shall be submitted to the registered**
7 **voters of the city at the next municipal election. The bill shall be passed under the**
8 **procedures in section 77.080, except that it shall take effect upon approval of a majority**
9 **of the voters rather than upon the approval and signature of the mayor.**

10 **2. If the mayor approves the bill and signs it, the question shall be submitted to the**
11 **voters in substantially the following form:**

12 **Shall the following ordinance be (adopted) (repealed)? (Set out ordinance.)**

13 ☐ YES

☐ NO

14 **3. If a majority of the voters voting on the proposed ordinance vote in favor, such**
15 **ordinance shall become a valid and binding ordinance of the city.**

321.690. 1. In counties of the first classification having a charter form of government
2 and having more than nine hundred thousand inhabitants [and in counties of the first
3 classification which contain a city with a population of one hundred thousand or more
4 inhabitants which adjoins no other county of the first classification], the governing body of each
5 fire protection district shall cause an audit to be performed consistent with rules and regulations
6 promulgated by the state auditor.

7 2. (1) All such districts shall cause an audit to be performed biennially. Each such audit
8 shall cover the period of the two previous fiscal years.

9 (2) Any fire protection district with less than fifty thousand dollars in annual revenues
10 may, with the approval of the state auditor, be exempted from the audit requirement of this
11 section if it files appropriate reports on its affairs with the state auditor within five months after
12 the close of each fiscal year and if these reports comply with the provisions of section 105.145.
13 These reports shall be reviewed, approved and signed by a majority of the members of the
14 governing body of the fire protection district seeking exemption.

15 3. Copies of each audit report must be completed and submitted to the fire protection
16 district and the state auditor within six months after the close of the audit period. One copy of
17 the audit report and accompanying comments shall be maintained by the governing body of the
18 fire protection district for public inspection at reasonable times in the principal office of the
19 district. The state auditor shall also maintain a copy of the audit report and comment. If any
20 audit report fails to comply with the rules promulgated by the state auditor, that official shall
21 notify the fire protection district and specify the defects. If the defects specified are not corrected
22 within ninety days from the date of the state auditor's notice to the district, or if a copy of the
23 required audit report and accompanying comments have not been received by the state auditor
24 within six months after the end of the audit period, the state auditor shall make, or cause to be
25 made, the required audit at the expense of the fire protection district.

26 4. The provisions of this section shall not apply to any fire protection district based and
27 substantially located in a county of the third classification with a population of at least thirty-one
28 thousand five hundred but not greater than thirty-three thousand.

2 [64.205. Sections 64.170 to 64.200 shall apply to all counties of the first
and second class.]

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